

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE CHIEF FINANCIAL OFFICER

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CHAIRMAN CROPP

Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer 

DATE: FEB -1 2005

SUBJECT: Fiscal Impact Statement: "Electronic Recording Procedures and Penalties Emergency Act of 2005"

REFERENCE: Draft Legislation to be Introduced - No Number Available

Conclusion

Funds are sufficient in the FY 2005 through FY 2008 budget and financial plan to implement the proposed legislation.

Title I – Procedures for Electronic Recoding of Custodial Interrogations Act of 2005

Background

The proposed title requires that all interrogations of custodial suspects of violent crime and are conducted in the Metropolitan Police Department (MPD) interview rooms be electronically recorded. The proposed title outlines the procedures that must be abided by including any warnings as to rights required by law and the perpetrators waiver of such rights and consent to the interview.

Financial Plan Impact

Funds are sufficient in the FY 2005 through FY 2008 budget and financial plan. Although the proposed title is a required expansion of existing MPD practices the title can be implemented with existing resources. No additional facilities, staff or personnel will be required.

Title II – Repealer of the Electronic Recording Procedures Act of 2002 Act of 2005

Background

The proposed title repeals the Electronic Recording Procedures Act of 2002¹ requiring the Chief of MPD to promulgate a general order as to procedures for the use of electronic recording in interrogations. The law also established operational and reporting procedures.

Financial Plan Impact

As the proposed legislation puts in place broader requirements for the use of electronic recording in interrogations, repealing Law 14-280 will have no impact on the District's FY 2005 through FY 2008 budget and financial plan.

Federal and local anti-deficiency laws² prohibit District officers and employees from exceeding appropriations in any fiscal year. If funding is available to absorb any additional costs, then the fiscal impact would be zero. For subsequent years, the additional expenditures must be included in MPD's budget and financial plan.

¹ Act 14-613, Law 14-280 enacted January 22, 2003 and made effective April 4, 2003.

² Anti-deficiency laws 31 USC § 1341 (2000) and D.C. Official Code § 47-355.01 *et Sequitor* (2003).